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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/005,729	11/06/2001	Anne Marie Holler	397522000700	9132

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EXAMINER

SHERR, CRISTINA O

ART UNIT	PAPER NUMBER
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3621

DATE MAILED: 12/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/005,729	Applicant(s) HOLLER ET AL.	
	Examiner Cristina Owen Sherr	Art Unit 3621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 August 2006 and 12 May 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 6-9, 19, 24-27, 37, and 42-45 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 6-9, 19, 24-27, 37, and 42-45 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>08/15/06</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This communication is in response to applicant's amendment filed August 28, 2006, as well as the Declaration of Prior Invention Under 37 C.F.R. section 1.131, filed on May 12, 2006, but not apparently scanned into the file until after the last Office Action was issued. Examiner regrets any inconvenience to the applicants.

Election/Restrictions

2. Pursuant to a requirement for election of species, applicant has chosen claims 1, 6-9, 19, 24-27, 37 , and 42-45 for examination.

Information Disclosure Statement

3. The information disclosure statement (IDS) submitted on August 15, 2006 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the examiner is considering the information disclosure statement.

Response to Arguments

4. With respect to the section 103 rejections of claims 1, 6-9, 19, 24-27, 37 , and 42-45, made in the office action of November 17, 2005, applicant's sole argument is a Declaration of Prior Invention Under 37 C.F.R. section 1.131, filed on May 12, 2006.

5. The Declaration filed on May 12, 2006 under 37 CFR 1.131 has been considered but is ineffective to overcome the cited reference Eylon (US 6,757,894).

6. The evidence submitted is insufficient to establish diligence from a date prior to the date of reduction to practice of the Eylon reference to either a constructive reduction to practice or an actual reduction to practice.

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7. If the dates of the exhibits have been removed or blocked off, the matter of dates can be taken care of in the body of the oath or declaration. When alleging that conception or a reduction to practice occurred prior to the effective date of the reference, the dates in the oath or declaration may be the actual dates or, if the applicant or patent owner does not desire to disclose his or her actual dates, he or she may merely allege that the acts referred to occurred prior to a specified date. However, the actual dates of acts relied on to establish diligence must be provided. See MPEP § 715.07(a) regarding the diligence requirement. Said dates are not provided in the Declaration on file in this case.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 1-54 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eylon et al (US 6,757,894) in view of Franco et al (US 6,687,745)

10. Regarding claim 1, 19 and 37 –

Eylon discloses a process for the delivery of server-based streamed applications and data to a client and the management of said streamed applications on a server, comprising the steps of: providing application set storage means for persistently storing streamed application program sets on said server (e.g. fig 1, col 3 ln 40-45); wherein

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said streamed application sets contain streamed application file pages (e.g. fig 2B); wherein said streamed application file pages are read only; providing means for receiving client requests for streamed application file pages (e.g. fig 1, col 5 ln 20-25); wherein clients request streamed application file pages using a unique set of numbers common among all servers that store the particular streamed application file pages; and providing means for sending said requested streamed application file page to said client (e.g. col 5 ln 50-65).

11. Eylon does not disclose, but Franco does, providing validation means for validating whether a client has access privilege to a requested streamed application file page (e.g. col 23 ln 64 – col 34 ln 5)

12. It would be obvious to one of ordinary skill in the art to combine the teachings of Franco and Eylon as they are in the same field, and in order to obtain the efficiency of streamed application along with greater security.

13. Regarding claim 2-5, 20-23, 38-41 –

Eylon discloses a process comprising the step of: providing compression means for compressing said requested streamed application file page before sending said requested streamed application file page to said client.; wherein when a client requests multiple streamed application file pages, said server concatenates all of the requested pages and compresses the entire set at once before sending to said client; wherein said commonly accessed streamed application file pages are compressed before being stored in said cache; wherein all of the streamed application file pages in the streamed

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application sets are compressed before being stored in said application set storage means (e.g. col 3 ln 40 – col 4 ln 2).

14. Regarding claims 6-18, 24-36, 42-54 –

Eylon discloses a process comprising the step of: providing profiling means for profiling the access patterns of streamed application file pages; wherein said access patterns are sent to said client to guide its prefetching of streamed application file pages; wherein said access patterns are used by said server to pre-package and compress groups of streamed application file pages; and wherein a pre-packaged group is sent to a client requesting pages within a set; wherein said access patterns are used by said server to perform prefetching of streamed application file pages for pushing to clients; further comprising the step of: providing a license server; wherein said validation means resides on said license server; and wherein said validation means provides a client with an access token that contains information regarding access rights, the application that it applies to, and an expiration time; further comprising the steps of: providing token reception means on said server for receiving an access token from a client; providing decryption means on said server for decrypting said access token; providing means for validating the contents of said access token; and granting access to a client with a valid access token; wherein said decrypting means uses a secret key shared with said license server to decrypt an access token; wherein said server maintains a list of recently approved access tokens and compares incoming access tokens with said list, and wherein incoming access tokens that match an entry on said list are approved without further processing; wherein a client uses a persistent connection over the

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Internet with said server to make multiple requests from said server, and wherein said server closes persistent connections that have been idle for a predetermined period of time; further comprising the step of: assigning individual servers a specific set of streamed applications sets to serve to clients; and wherein the servers across a network are asymmetrically assigned different sets of streamed application sets to improve overall server efficiency; wherein said individual servers are dynamically assigned streamed application sets to match client accesses over time; further comprising the step of: providing a central control server; wherein said individual servers periodically send a summary of their file access patterns to said central control server; and wherein said central control server reassigns individual servers according to the file access patterns; wherein said server communicates with clients across the Internet (e.g. col 5 ln 1-55).

15. As above, it would be obvious to one of ordinary skill in the art to combine the teachings of Franco and Eylon as they are in the same field, and in order to obtain the efficiency of streamed application along with greater security.

16. Examiner's note: Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant.

Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may be applied as well. It is respectfully requested from the applicant, in preparing the responses, to fully consider the references in entirety as potentially teaching all or part

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of the claimed invention as well as the context of the passage as taught by the prior art or disclosed by the examiner.

Conclusion

17. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

18. Duso et al (US 5,892,915) discloses a system having client sending edit commands to server during transmission of continuous media from one clip in play list for editing the play list.

19. Oehrke et al (US 6,735,631) discloses a method and system for network redirecting.

20. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

21. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

22. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cristina Owen Sherr whose telephone number is 571-

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272-6711. The examiner can normally be reached on 8:30-5:00 Monday through Friday.

23. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew J. Fischer can be reached on 571-272-6779. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

24. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Cristina Owen Sherr
Patent Examiner, AU 3621



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